

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 104**

**Representative Robb Blasdel**

**Cosponsors: Representatives Hillyer, Johnson, Miller, J., Seitz, Loychik,  
Carruthers, Somani, White, Dell'Aquila, Bird**

---

**A BILL**

To enact sections 3702.3012 and 3727.25 of the 1  
Revised Code regarding surgical smoke. 2

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3702.3012 and 3727.25 of the 3  
Revised Code be enacted to read as follows: 4

**Sec. 3702.3012.** (A) As used in this section, "surgical 5  
smoke" and "surgical smoke evacuation system" have the same 6  
meanings as in section 3727.25 of the Revised Code. 7

(B) Not later than one year after the effective date of 8  
this section, each ambulatory surgical facility shall adopt and 9  
implement a policy designed to prevent human exposure to 10  
surgical smoke during any planned surgical procedure that is 11  
likely to generate surgical smoke. The policy shall include the 12  
use of a surgical smoke evacuation system. 13

(C) The director of health may adopt any rules the 14  
director considers necessary to implement this section. The 15  
rules shall be adopted in accordance with Chapter 119. of the 16  
Revised Code. 17

Sec. 3727.25. (A) As used in this section: 18

(1) "Surgical smoke" means the airborne byproduct of an 19  
energy-generating device used in a surgical procedure, including 20  
smoke plume, bioaerosols, gases, laser-generated contaminants, 21  
and dust. 22

(2) "Surgical smoke evacuation system" means equipment 23  
designed to capture, filter, and eliminate surgical smoke at the 24  
point of origin, before the smoke makes contact with the eyes or 25  
respiratory tract of individuals. 26

(B) Not later than one year after the effective date of 27  
this section, each hospital that offers surgical services shall 28  
adopt and implement a policy designed to prevent human exposure 29  
to surgical smoke during any planned surgical procedure that is 30  
likely to generate surgical smoke. The policy shall include the 31  
use of a surgical smoke evacuation system. 32

(C) The director of health may adopt any rules the 33  
director considers necessary to implement this section. The 34  
rules shall be adopted in accordance with Chapter 119. of the 35  
Revised Code. 36